

What is assignment of rights?

Assignment of rights means that you will be giving some or all of your child support money to the state to pay back what money the state has given to you. When you receive benefits under TANF, the state provides money for you and your family, and in return, the state is allowed to keep your support money to pay for the assistance it is providing to you. By accepting state money, you have *assigned your rights* to support to the state. Because you have assigned, or given, the state your rights to support, you will not receive current support payments until you are no longer receiving public assistance under TANF. Any arrears that accrue before and during the time period that you receive public assistance will also be assigned to the state. These are called *assigned arrears*. The state will not keep more from your collected current support or assigned arrears than the total amount given to you in public assistance. Also, the state will not keep any arrears that exceed the total amount of public assistance given to you.

How does the assignment of rights happen?

The assignment of rights takes place when you accept TANF benefits. When you apply for TANF benefits, you are given an application including a form to sign which assigns your rights to child support to the state. You do not have to sign this form to receive TANF, but when you accept money from the state under TANF, the assignment takes place by operation of law. This means that once you receive money from the state your rights to support are assigned to the state whether you have signed the form or not.

How long does the assignment last?

The assignment ends when you no longer receive public assistance; however, the rights to support arrears that accrued before and during those periods that you received public assistance remain assigned. You will receive your regular current support payments, but arrears that accrued before or while

you received public assistance are still assigned up to the total amount of public assistance paid to you. This means that if you accrued \$5,000 in arrears while you received public assistance, all or part of this amount could be used to pay the state for your public assistance grant.

However, when you are no longer receiving public assistance, you will receive your current support. Current support will go to you first before any assigned arrears are paid to the state. The state will continue to collect any assigned arrears (arrears that accrued before or during your public assistance period). So, your rights to arrears will remain assigned until the state has collected the total amount of unrepaid assistance, or until the state has collected all of your assigned arrears, whichever is less. Any arrears that accrue after your public assistance period has ended will belong to you, and will be paid to you before the amount assigned to the state is paid.

Will I be paid arrears while I am receiving public assistance?

When you receive public assistance, the state keeps track of the amount of money it pays to you. To pay itself back for this assistance, the state can keep your support payments. If the amount of your support payments is greater than the amount of assistance you receive, the state will only keep an amount of support equal to the amount given to you in public assistance, and the rest will go to you. However, if the amount of public assistance you receive is greater than the amount of support you receive, the state can keep payments on any arrears that accumulated before or during your public assistance period, up to the total amount of public assistance money that you were given. The amount of public assistance money that you receive that is not repaid by current support payments or arrears payments is called *unrepaid assistance*. The arrears that you accrued before and during your public assistance period may be used to pay your unrepaid assistance, and any excess amounts will go to you.

What happens when I am no longer receiving public assistance and the assignment has ended?

Any arrears and interest which accrue once you stop receiving assistance belong to you. Arrearages that accrue after you stop receiving assistance are not assigned to the state and are called *never assigned arrears*. Arrears accrued before and during your public assistance period are still assigned to the state. If the amount of assigned arrears exceeds the cumulative amount that the state provided to you in assistance, the state and federal government will be repaid first and the balance will go to you. You will not receive these arrears until the amount owed to the state is satisfied.

I have two children with two different non-custodial parents (NCPs), and I am currently receiving TANF. Only one parent is making support payments, but the entire amount of that payment is being withheld. Shouldn’t the state only withhold a portion of the payment for one child?

When you applied for TANF, you received what is called a family grant. A family grant is assistance in the form of a block grant given to you for all of the members of your immediate family. Federal law prohibits a family grant from being calculated by the state as a per child or individual family member grant. The total amount of support owed to you for both your children is assigned to the state. Because you have assigned your rights, the state keeps any amount of support from any NCP in your case in order to repay itself. Each NCP has an obligation to pay child support and your assignment includes the support owed by both NCPs. The support money that is due from the NCP who is not currently paying will also be applied to the repayment of the family grant once those payments are made. Any arrears left after your family grant is repaid will be paid to you.

I received assistance ten years ago, and I never signed the form allowing the state to assign my rights. Now I am no longer receiving assistance, and the arrears that accrued during my public assistance period are being withheld. Why is this?

In 1995, a state law was passed that made the assignment of support rights automatic (by operation of law) in all cases that received public assistance since 1975 or later. If you received public assistance in 1975 or later your rights to support have been assigned to the state up to the amount of public assistance paid to you whether or not you signed a form.

What happens when the total amount of unrepaid assistance that I have is greater than assigned arrears?

If you have unrepaid assistance that is greater than the amount of your assigned arrears, the State of Arizona will only keep the assigned arrears. Any amount of unrepaid assistance that is greater than the amount of your assigned arrears will not be collected by the State of Arizona.

What happens when the total amount of unrepaid assistance that I have is less than my assigned arrears?

If your assigned arrears are more than the amount of unrepaid assistance, the state may only keep the amount of unrepaid assistance. The balance of your assigned arrears will be paid to you. To learn more about when you will begin to receive any arrears owed to you, read our “Understanding Disbursement” pamphlet available at all IV-D offices

I do not believe that I received the support collected on my behalf. What can I do?

You can request an administrative review within 30 business days after the date of your monthly/quarterly notice of collections. You will

need to request the administrative review in writing from the Division of Child Support Enforcement, P.O. Box 40458, Phoenix, Arizona 85067. Once your request has been received, an acknowledgement will be sent to you within ten business days. The acknowledgement may ask you for additional information needed to complete the review. A final determination will be sent within 30 business days of the date of the acknowledgement of your request or 10 business days after receipt of the additional information.

Under the Americans with Disabilities Act (ADA), the Department must make a reasonable accommodation to allow a person with a disability to take part in a program, service, or activity. For example, this means that if necessary, the Department must provide sign language interpreters for people who are deaf, a wheelchair accessible location, or enlarged print materials. It also means that the Department will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program or activity because of your disability, please let us know of your disability needs in advance if at all possible. This document is available in alternative formats by contacting (602) 252-4045.



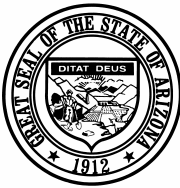
LOCAL AREA CHILD SUPPORT OFFICES :

Apache County DCSE Flagstaff Office 2323 N. Walgreen’s St., #100 Flagstaff, AZ 86004 Phone: (928) 527-0924 (800) 517-7365	Greenlee County Safford DCSE Office 1938 Thatcher Blvd. Safford, AZ 85546 Phone: (928) 428-6648
Cochise County Child Support Services of Arizona Warren Plaza 7 Bisbee Rd., Suite D Bisbee, AZ 85603 Phone: (520) 432-3161 Toll Free: 1-866-358-0616	La Paz County Attorney’s Office P.O. Box 809 1121 Geronimo Parker, AZ 85344 Phone: (928) 669-6469
Coconino County Flagstaff DCSE Office 2323 N. Walgreen’s St., #100 Flagstaff, AZ 86004 Phone: (928) 527-0924 (800) 517-7365	Maricopa County Offices: Mailing address for all Maricopa County Offices: P.O. Box 40458 Phoenix, AZ 85067
Gila County Attorney’s Office Child Support Division 157 South Broad St. Globe, AZ 85501 Phone: (928) 425-4464	DCSE North/South Region Office 2222 West Encanto Phoenix, AZ 85009
Graham County Safford DCSE Office 1938 Thatcher Blvd. Safford, AZ 85546 Phone: (928) 428-6648	DCSE East Region Office 1255 West Baseline, Suite 258 Mesa, AZ 85202
	DCSE West Region Office 8910 N. 43 rd Ave. Suite 105 Phoenix, AZ 85302

All Maricopa County Office Phone Numbers: Phone: (602) 252-4045 (800) 882-4151	Santa Cruz Child Support Services of Arizona 1860 North State Dr., Suite 6 Nogales, AZ 85621 Phone: (520) 761-4787
Mohave County Kingman DCSE Office 519 East Beale St., Suite 110 Kingman, AZ 86401 Phone: (928) 753-3134	Yavapai County Child Support Services of Arizona 122 North Cortez St., Suite 306 Prescott, AZ 86301 Phone: (928) 771-1090
Navajo County Attorney’s Office P.O. Box 668 121 W. Buffalo Holbrook, AZ 86025 Phone: (928) 524-4730	Yavapai Child Support Services of Arizona 1695 E. Cottonwood St., # A Cottonwood, AZ 86326 Phone: (928) 639-3131
Navajo Nation Department of Child Support Services P.O. Box 160 Chinle, AZ 86503 Phone: (520) 674-2300	Yuma County Yuma DCSE Office 1310 South 3 rd Ave. Yuma, AZ 85364 Phone: (928) 539-1998
Pima County Tucson DCSE Office 7202 E. Rosewood St., S-100 Tucson, AZ 85710 Phone: (520) 622-7000	
Pinal County Attorney’s Office P.O. Box 608 30 N. Florence St., #D Florence, AZ 85232 Phone: (520) 868-6615	



**Department of Economic Security
Division of Child Support
Enforcement**



**UNDERSTANDING
ASSIGNMENT OF
RIGHTS**

Equal Opportunity Employer/Program
Disponible en español.

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